IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 8069 of 1996

Between:

K. Mary Deena Kumari W/o P. Jayasekhar
S.A. Elementary School, Emani, Duggirala (M),
Guntur Dist.

..... PETITIONER

AND

1 The District Educational Officer, Guntur.
2 The Director of School Education, Government of A.P.,
Saifabad, Hyderabad
3 The Government of A.P. rep. by Secretary
Educational Department, Secretariat Buildings,
Hyderabad.
4 The Correspondent, S.A. Elementary School
Tenali, Guntur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of writ of Mandamus, declaring the inaction of the 1st respondent in paying the salary from March, 1992 excluding the salary for the months of December 1994 and January 1995 as illegal, arbitrary, capricious, voilation of Rule 15 of G.O.Ms.No.524, Education Dept., dt: 20-12-1988, contrary to the Judgment in W.P.No.14307 of 1992 dt: 29-3-1995,

consequently direct the 1st respondent to sign the salary bills from March, 1992 onwards and pay the salaries by releasing the amounts.

Counsel for the Petitioner:MR.R.VENKATA RAMUDU

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4: MR. C.R.SRIDHARAN

The Court at the stage of admission made the following ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in not paying the salary to the petitioner from the month of March, 1992 excluding the salary for the months of December, 1994 and January, 1995 as illegal, arbitrary, capricious and violative of Rule 15 of G.O.Ms.No.524, Education Department, dated 20-12-1988 and also contrary to the judgment in WP.No.14307 of 1992, dated 29-03-1995.

It is the case of the petitioner that she was appointed as a S.G.B.T teacher in the fourth respondent institution after being subjected to the selection process as per law. The said appointment was also approved by the first respondent-District Educational Officer, Guntur. Thereafter, the first respondent stopped the salary of the petitioner along with others and issued directions to the Management to issue notices to them cancelling their appointments. Questioning the same, the petitioner and others filed WP.No.7481 of 1992 before this Court. While disposing of the said writ petition, this Court directed the authorities to pay the salaries to them and also to conduct an enquiry as to whether the approval of appointment orders given by the first respondent was proper or not. In fact, an enquiry was conducted afresh, in which, it was found that there was no violation of rules in approving their appointment orders by the first respondent. Even though this Court directed the respondent authorities to pay the salaries, the respondents have not been paying salary to her. Hence, she moved this Court by way of filing this writ petition.

In view of the interim directions given by this Court dated 24-06-1996, the salary attached to the post was being paid to her till date and in view of the subsequent events and developments, the cause in the writ petition does not survive for adjudication. However, the petitioner is entitled to the salary attached to the post.

The writ petition is accordingly disposed of without any order as to costs.

(C.V.RAMULU, J)

2nd MARCH, 2005.

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To

1 The District Educational Officer, Guntur.
2 The Director of School Education, Government of A.P., Saifabad, Hyderabad
3 The Secretary, Government of Andhra Pradesh, Educational Department, Secretariat Buildings, Hyderabad.
4 The Correspondent, S.A. Elementary School, Tenali, Guntur Dist.

5 Two CCs to the Government Pleader for School Education,

A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.